

Remarks/Arguments

Claims 1-12 and 46-47 were pending in the application. Claims 1-12 and 46-47 were rejected. No claims were merely objected to and no claims were allowed. By the foregoing amendment, claim 4 is canceled without prejudice or devotion of the subject matter to the public, claim 1 is amended, and no new claims are added. Support for the claim amendments may at least be found in the specification, claims and drawings as originally filed. No new matter is presented.

Rejection under 35 U.S.C. §112, second paragraph

The examiner asserts claim 1 is rejected under 35 U.S.C. §112, second paragraph. Applicants have amended claim 1 to replace the term “electronic control box” with the term “electronic controller”.

For at least this reason, Applicants contend amended independent claim 1 satisfies the statutory requirements under 35 U.S.C. §112, second paragraph.

In light of the foregoing, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. §112, second paragraph, and find claim 1 is allowable.

Rejections under 35 U.S.C. §102

The examiner asserts claims 46-47 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S.P.N. 7,050,943 to Kauffman et al. (“Kauffman”). Applicants traverse the rejection.

In framing the present rejection, the examiner relies upon the teachings of Kauffmann at col. 3, l. 33-col. 4, l. 24 and col. 4, l. 33-col. 5, l. 49. Upon closer inspection, Kauffmann does not teach either explicitly or inherently a microserver for generating a wireless system adapted to connect to the internet as recited in Applicants’ independent claim 46.

At col. 4, l. 33-col. 5, l.49, Kauffmann teaches in part the following:

“As shown in FIG. 1, the control system 20 may be connected to the turbines 12 using a suitable network interface 14. For example, the Internet may be used. As shown in FIG. 1, each of the turbines 12 is controlled by a controller 11. The controller 11 for each turbine controls and monitors operations in the turbine 12. The controller may include various components to collect and transmit data to the control system 20.”

Kauffmann teaches the control system 20 may be connected to the turbines 12, via the controller 11, using an internet connection. Kauffmann also teaches the controller may include various components to collect and transmit data to the control system 20. However, when reading the entirety of the disclosure, Kauffmann does not teach the controller includes a microserver designed to or is capable of generating a wireless system adapted to connect to the internet. The “various components” taught by Kauffmann to collect and transmit data may refer to any one of a number of components. However, the transmission and collection of data does not amount to the generation of a wireless system adapted to connect to the internet. Moreover, the transmission and collection of data via a wireless connection also does not constitute the generation of a wireless system adapted to connection to the internet. Applicants’ specification as originally filed defines the term “wireless system” as an “intranet 21 is provided around the entire deployed product 14 enabling wireless communication to any electronic device thereon as will be described in further detail herein” (Applicants’ specification, paragraph [0023]). Applicants are not attempting to import a limitation from the specification into the claims, but are trying to define the term “wireless system” consistently with the specification as filed.

Kauffmann simply does not teach either explicitly or inherently that the various components making up the controller 11 are capable of generating a wireless system, e.g., an intranet, as recited in Applicants’ independent claim 46. Kauffmann further discloses the interactions between the controller 11 and data presentation portion(s) 30 via the control system 20 (as shown in Figure 1) may also be via a wireless connection (See col. 4, ll. 43-60). According to Kauffmann, customers, clients, etc. may view data pertaining to the turbine engines via the data presentation portion(s) 30. However, the data presentation portions(s) 30 are not viewing information over the internet via an intranet or wireless system generated by the “various components” that make up the controller 11. In other words, data presentation portion(s) are not receiving data generated by a wireless system, of a various component of the controller 11 taught by Kauffmann, adapted to connect to the internet as recited in Applicants’ independent claim 46.

For at least this reason, Applicants contend claims 46 and 47 are not anticipated by the teachings of Kauffmann.

In light of the foregoing, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. §102(c) and find claims 46 and 47 are allowable.

Rejections under 35 U.S.C. §103

The examiner asserts claims 1-6 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S.P.N. 6,853,930 to Hayashi in view of U.S.P.N. 7,050,943 to Kauffmann et al. Applicants traverse the rejection.

In framing the present rejection, the examiner relies upon Hayashi to teach a turbine engine includes a compressor, a combustor and a turbine (col. 8, ll. 63-66). The examiner relies upon Kauffmann to teach a microserver generating a wireless system surrounding an engine and adapted to connect to the Internet. Applicants reiterate their remarks with respect to the teachings of Kauffmann in discussing the rejection under 35 U.S.C. §102. For all the above-mentioned reasons, Kauffmann also does not suggest any of the various components of a controller 11 taught therein can generate a wireless system. Such a suggestion is further refuted when reading Kauffmann in its entirety. Kauffmann discloses the interactions between the controller 11 and data presentation portion(s) 30 via the control system 20 (as shown in Figure 1) may also be via a wireless connection (See col. 4, ll. 43-60). According to Kauffmann, customers, clients, etc. may view data pertaining to the turbine engines via the data presentation portion(s) 30. However, the data presentation portions(s) 30 are not viewing information over the internet via an intranet or wireless system generated by the “various components” that make up the controller 11. In other words, data presentation portion(s) are not receiving data generated by a wireless system, of a various component of the controller 11 taught by Kauffmann, adapted to connect to the internet as recited in Applicants’ independent claim 46.

Due to the lack of teaching and suggestion Kauffmann also fails to necessarily provide the requisite motivation to alter the teachings of Hayashi and teach all the elements of Applicants’ independent claim 1. Hayashi does not teach or suggest the use of a wireless system in the system for aiding the preparation of operation and maintenance plans for a power generation installation taught therein. Hayashi provides no basis for incorporating such teachings especially when Kauffmann does not provide the requisite motivation to do so.

For at least these reasons, Applicants contend claims 1-6 and 8 are patentable and not obvious in view of the combined teachings of Hayashi in view of Kauffmann.

In light of the foregoing, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. §103(a) and find claims 1-6 and 8 are allowable.

The examiner asserts claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S.P.N. 6,853,930 to Hayashi, and U.S.P.N. 7,050,943 to Kauffmann et al. as applied to claim 6 above, and further in view of U.S.P.N. 7,065,471 to Gotoh et al. Applicants traverse the rejection.

The examiner relies upon Gotoh to teach the use of sensors in diagnosing the state of a gas turbine engine. Applicants reiterate their remarks with respect to the combined teachings of Hayashi and Kauffmann in discussing the above-referenced rejection under 35 U.S.C. §103. Gotoh does not teach or suggest the sensors may be used for generating a wireless system surrounding the engine and adapted to connect to the Internet as recited in Applicants' amended independent claim 1. Due to this apparent lack of teaching and suggestion Gotoh also fails to provide the requisite motivation to alter the combined teachings of Hayashi and Kauffmann and teach all the elements of Applicants' independent claim 1.

For at least these reasons, Applicants contend claim 7 is patentable and not obvious in view of the combined teachings of Hayashi and Kauffmann in view of Gotoh.

In light of the foregoing, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. §103(a) and find claim 7 is allowable.

The examiner asserts claims 9-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S.P.N. 6,853,930 to Hayashi and U.S.P.N. 7,050,943 to Kauffmann et al. as applied to claims 4 and 8 above, and further in view of U.S.P.N. 6,324,659 to Pierro et al. Applicants traverse the rejection.

The examiner relies upon Pierro to teach a microserver communicates by way of radio frequency identification tags, local area network, cellular network, and satellite (col. 4, l. 45-col. 5, l. 35). Applicants reiterate their remarks with respect to the combined teachings of Hayashi and Kauffmann in view of Gotoh in discussing the above-referenced rejection under 35 U.S.C. §103. Pierro teaches a communication data management system 100 includes a processor 102.

With respect to the computational abilities of processor 102, Piero teaches the following:

"Processor 102 processes the records stored in database 104 so as to determine the respective cases that are due for a download based on the assigned due time. Processor 102 also determines the relative priority of each download case based on a respective download priority assigned to each download case. Processor 102 may thus determine the sequence of the cases to be downloaded based both on the respective download priority of the case and the respective download due time of the case.

For a given case to be downloaded, processor 102 retrieves any other information required to carry out the actual transfer of files between the locomotive and a suitable server, e.g., database server 106. By way of example, such information could include actions to be performed (e.g., downloading or uploading), files to be transferred, destination and source of the files, etc. As suggested above, processor 102 manages the various communication-enabling resources (e.g., modems, satellite links, wireless links, etc.) available to carry out any data downloads or uploads. For example, the system may be assigned a respective number of communication-enabling resources (modems, etc.) to carry out respective downloads. Processor 102 can then monitor the number of assigned resources being utilized at a given instance and carry out the next download upon availability of a free resource. By way of example and not of limitation, the resources may be assigned at least under two categories, emergency resources and other resources. All download cases with download priority value of 2 or lower, assuming an exemplary priority scale from one to ten and further assuming the number one represent the highest relative priority, can utilize the emergency resources when all the "other resources" are being utilized. Exemplary operational interrelationships implemented by processor 102 are conveniently summarized below and such interrelationships allow processor 102 to:

Build a respective configuration to be uploaded to the locomotive for a given case. The predetermined parameters for building this file can be extracted from database 104 based on the case number and also on the "initial" file downloaded from the OBM.

Execute the actual transfer of files between the locomotive and server 106. This comprises transferring the files to be uploaded to the locomotive into appropriate directories on the OBM and storing the downloaded files from the OBM into appropriate directories on the server.

Modify respective filenames, as required, before storing them in specified locations.

After a successful download, notify an "analysis scheduling" subsystem by

placing a predetermined record in a "dl_status" table in the database. This comprises providing respective filename, file location and the status of download for "active faults" (faultact.tar) and "stats.tar" files to the analysis scheduling subsystem.

In case of an unsuccessful download attempt, execute a predetermined retry process based on the type of download and download priority of the failed download case. The retry process follow a predetermined logic based on the download type, priority and number of unsuccessful attempts for each case.

If the download attempts are unsuccessful even after making a maximum number of retries for a given case, then create a "problem" case and notify the appropriate processes/persons.

Maintain history-records of all downloads. The history will carry information pertaining to the start time, finish time, result etc for each download." (col. 4, l. 56-col. 5, l. 56).

In discussing processor 102, Piero never teaches or suggests the processor 102 may be a microserver for generating a wireless system surrounding an engine and adapted to connect to the Internet as recited in Applicants' amended independent claim 1. Piero fails to teach or suggest the processor 102 may embody such technical capacity and provide additional advantages not already taught therein. Piero fails to consider how incorporating a microserver capable of generating a wireless system surrounding an engine and adapted to connect to the Internet could further benefit the system taught therein. Piero not only fails to teach or suggest the processor 102 may be a microserver, but further fails to provide the requisite motivation to one of ordinary skill in the art to think outside its teachings and replace the processor 102 with Applicants' aforementioned claimed microserver.

Due to this apparent lack of teaching and suggestion Piero cannot provide the requisite motivation to alter the combined teachings of Hayashi and Kauffmann and teach all the elements of Applicants' amended independent claim 1.

For at least these reasons, Applicants contend claims 9-12 are patentable and not obvious in view of the combined teachings of Hayashi and Kauffmann in view of Piero.

In light of the foregoing, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. § 103(a) and find claims 9-12 are allowable.

CONCLUSION

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,
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